

## **REMARKS**

Claims 1-2, 4, 7-9, 11, 14-18, and 20 again stand rejected under 35 U.S.C. 103(a) as being unpatentable over Veerasamy et al. (U.S. 5,858,477) (“Veerasamy I”) in view of Veerasamy (U.S. 6,303,225) (“Veerasamy II”) and Takahashi et al. (JP 10-143836). Applicants respectfully traverse this rejection because Veerasamy II is not prior art against the present Application.

Veerasamy II lists, on the face of the patent, a filing date of May 24, 2000, and no other domestic priority. The present Application, on the other hand, claims foreign priority to previous Japanese Patent Application No. 2000-137571, filed May 10, 2000, in Japan. The present Application therefore has its earliest priority date two weeks clearly than the filing date of Veerasamy II, and therefore Veerasamy II is not prior art against this Application.

In order to gain the full benefit of the earlier Japanese Patent Application, Applicants submit herewith a full English language translation of the Japanese Patent Application No. 2000-137571, together with a sworn Declaration of the translator, Keizo Komoriya, in order to perfect priority. Priority being now perfected in this case, Veerasamy II cannot be considered prior art against the present Application, and therefore the outstanding Section 103 rejection based in part on Veerasamy II must be withdrawn.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-2, 4, 7-9, 11, 14-18, and 20, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



Josh C. Snider

Registration No. 47,954

**Customer No. 24978**

April 4, 2005

300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315

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re Patent Application of: Hiroyuki Hyodo et al.

Serial No. 09/849,966

Examiner: RESAN, STEVAN A

Filed: May 4, 2001

Group Art Unit: 1773

For: CARBONACEOUS PROTECTIVE LAYER, MAGNETIC RECORDING MEDIUM,  
PRODUCTION METHOD THEREOF, AND MAGNETIC DISK APPARATUS

TRANSLATOR'S DECLARATION

Honorable Commissioner of Patents & Trademarks  
Washington, D.C. 20231

Sir:

I, Keizo Komoriya , residing at c/o A. AOKI, ISHIDA & ASSOCIATES, Toranomon 37 Mori Bldg., 3-5-1, Toranomon Minato-ku, Tokyo 105-8423, Japan declare the following:

- (1) That I know well both the Japanese and English languages;
- (2) That I translated Japanese Patent Application No. 2000-137571, filed May 10, 2000 , from the Japanese language to the English language;
- (3) That the attached English translation is a true and correct translation of the aforesaid Japanese Patent Application No. 2000-137571 to the best of my knowledge and belief; and
- (4) That all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such false statements may jeopardize the validity of the application or any patent issuing thereon.

March 14, 2005

Date

Keizo Komoriya  
Translator Keizo Komoriya



2000-137571 (H248)

[TYPE OF DOCUMENT]

APPLICATION FOR PATENT

[REFERENCE NUMBER]

0050221

[DATE FILED]

May 10, 2000

[DESTINATION]

To Commissioner, Patent Office;  
Mr. Takahiko Kondo

[INTERNATIONAL PATENT CLASSIFICATION]

G11B 5/72  
G11B 5/00

[TITLE OF THE INVENTION]

MAGNETIC RECORDING MEDIUM,  
PRODUCTION METHOD THEREOF, AND  
MAGNETIC DISK APPARATUS

[NUMBER OF CLAIMS]

7

[INVENTOR]

[Address or residence] c/o FUJITSU LIMITED, 1-1,  
Kamikodanaka 4-chome, Nakahara-ku,  
Kawasaki-shi, Kanagawa  
[Name] Hiroyuki Hyodo

[INVENTOR]

[Address or residence] c/o FUJITSU LIMITED, 1-1,  
Kamikodanaka 4-chome, Nakahara-ku,  
Kawasaki-shi, Kanagawa  
[Name] Takayuki Yamamoto

[APPLICANT]

[Identification Number] 000005223  
[Name of Applicant] FUJITSU LIMITED

[PATENT ATTORNEY]

[Identification Number] 100077517  
[Patent Attorney]  
[Name of Patent Attorney] Takashi Ishida  
[Phone Number] 03-5470-1900

[APPOINTED PATENT ATTORNEY]

[Identification Number] 100086276  
[Patent Attorney]  
[Name of Patent Attorney] Tsuguo Yoshida

[APPOINTED PATENT ATTORNEY]

[Identification Number] 100092624  
[Patent Attorney]  
[Name of Patent Attorney] Junichi Tsuruta

[APPOINTED PATENT ATTORNEY]

[Identification Number] 100082898  
[Patent Attorney]  
[Name of Patent Attorney] Masaya Nishiyama

[APPOINTED PATENT ATTORNEY]  
[Identification Number] 100081330  
[Patent Attorney]  
[Name of Patent Attorney] Sotoji Higuchi

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[OTHERS] Patent Application according to the results of the contract research sponsored by the national government or others (1999 contract research by New Energy and Industrial Technology Development Organization, "Development of Super-advanced Electronics Technology (Development of Super-advanced Electronics Technology)" under application of Article 30 of Special Measurement Rule for Revitalizing Industrial Vitality)

[LIST OF ARTICLES TO BE SUBMITTED]  
[Name of Article] Specification 1  
[Name of Article] Drawing 1  
[Name of Article] Abstract 1  
[Number of General Authorization] 9905449

[NEED FOR PROOF] Yes